



REAL ESTATE COMMITTEE MEETING

March 18, 2008 – 7:00 PM

AGENDA

COMMITTEE MEMBERS:

**Council President Chuck Lesnick, Co-chair
Councilmember Patricia D. McDow, Co-chair
Majority Leader Sandy Annabi
Minority Leader Liam J. McLaughlin
Councilmember John M. Murtagh**

ITEMS FOR CONSIDERATION BY REAL ESTATE COMMITTEE:

1. Resolution - reauthorizing the Mayor to enter into negotiations with Milio Management, Inc. for the conveyance and redevelopment of surplus property.
2. Special Ordinance – authorizing an encroachment in the right of way in 66 Main Street subject to certain terms and conditions.
3. Any additional items that may properly come before this Committee.

RESOLUTION NO. - 2008

By:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS
REAUTHORIZING THE MAYOR TO ENTER INTO NEGOTIATIONS
WITH MILIO MANAGEMENT, INC. FOR THE CONVEYANCE AND
REDEVELOPMENT OF SURPLUS PROPERTY.

WHEREAS, in response to a request for proposals issued by the
Yonkers Community Development Agency on behalf of the City of
Yonkers, Milio management, Inc. (hereafter "Milio") expressed interest in
redeveloping City owned property on the west side of the City of Yonkers
(hereafter the "Redevelopment Project"); and

WHEREAS, pursuant to Resolution No.167-2006 and in
furtherance of the Redevelopment Project, Milio was named the
Designated Developer for the proposed purchase of the School 6 and the
Longfellow School properties from the City of Yonkers; and

WHEREAS, Milio was granted one year to obtain all necessary
governmental approvals in connection with the proposed Redevelopment
Project; and

WHEREAS, due to unavoidable delays and upon a showing of
good cause by Milio, the Mayor, pursuant to the terms and condition of
Resolution No. 167-2006, extended such time period six months; and

WHEREAS, Milio is currently working with Planning and
Development and Traffic and Engineering to obtain the necessary
approvals, and as the Project has been determined to be in the best
interest of the City, the status as Designated Developer shall be extended
for six (6) months and that the Mayor be allowed to extend this period for
six (6) months for good cause shown; and

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL
OF THE CITY OF YONKERS, that subject to the terms and conditions of
Resolution NO. 167-2006, Milio's status as the Designated Developer for
the Redevelopment Project is extended for a period of six (6) months,
upon the condition that an agreement for the final disposition of these
properties is submitted to the City Council following the date of adoption of
this resolution. For good cause shown, the Mayor, in the reasonable
exercise of his discretion, is authorized to extend any time period set forth
in this resolution for an additional period, not to exceed six (6) months;
and be it further;

RESOLVED, that this resolution shall take effect immediately.

SPECIAL ORDINANCE NO. _____-2008

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE
RIGHT-OF-WAY IN 66 MAIN STREET, SUBJECT TO CERTAIN TERMS AND
CONDITIONS.

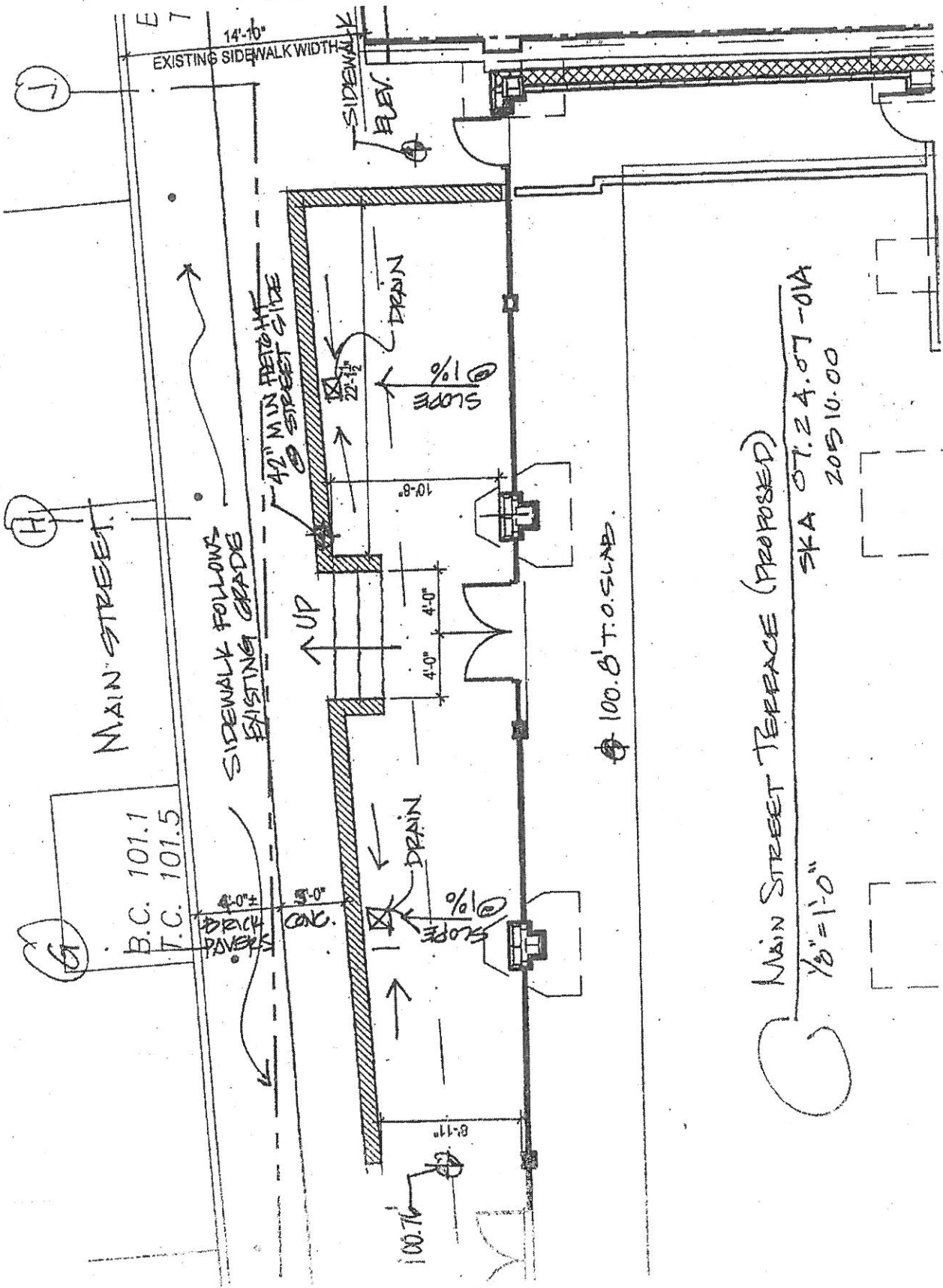
That the City of Yonkers, in City Council convened, hereby ordains and enacts:

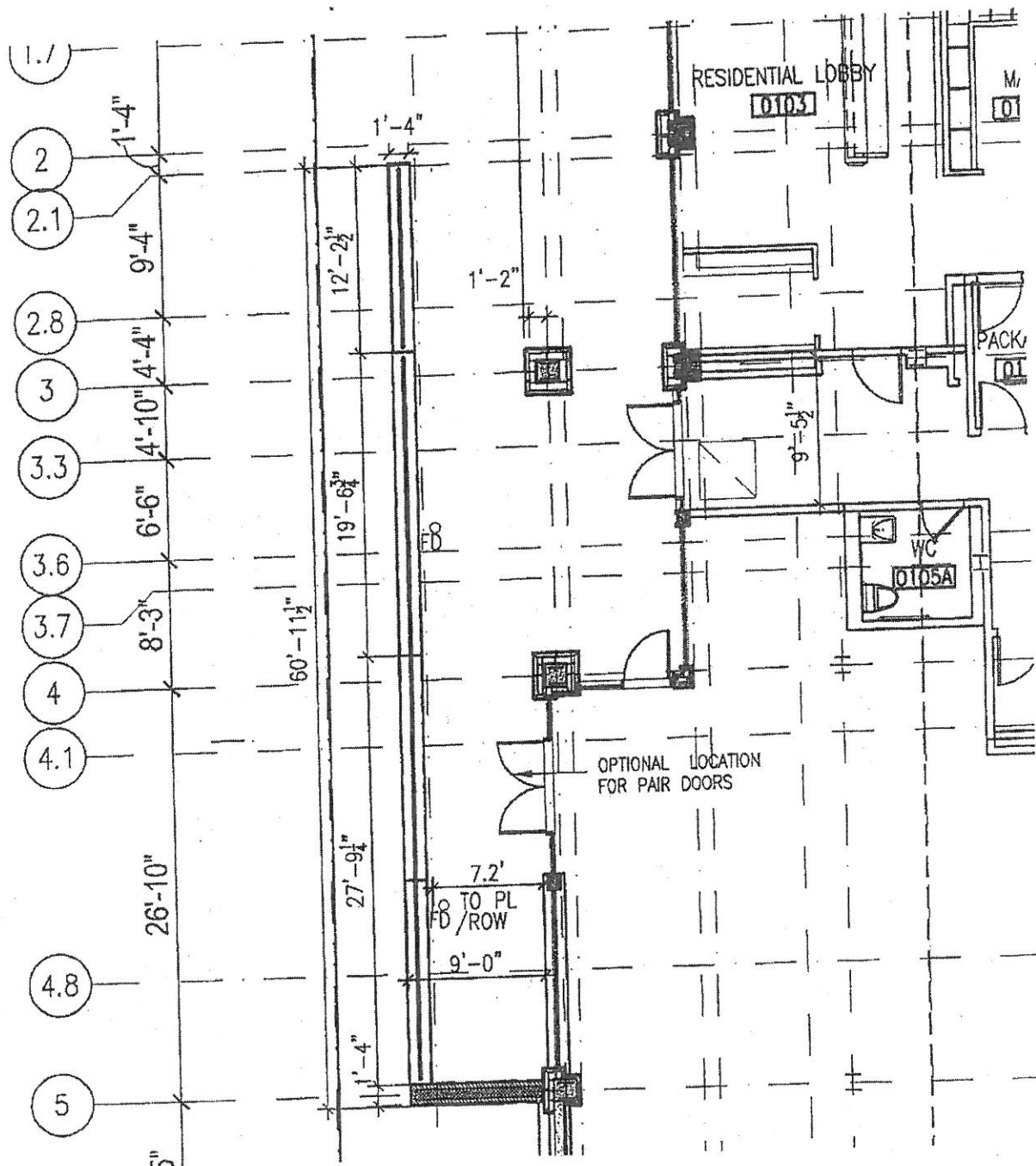
Section 1. Permission is hereby granted to the Yonkers Community Development Agency, a municipal urban renewal agency and a body corporate and politic created by Chapter 884 of the Laws of 1964, as amended, and codified under Section 605, Article 15-B, Title 36 of the General Municipal Law of the State of New York; and a corporate governmental agency, constituting a public benefit corporation under Section 553(2) of Article 15-A of said General Municipal Law, having its principal office at 87 Nepperhan Avenue, Yonkers, New York ("CDA"), as owner of the property designated at Section 1, Block 501, Lots 1, 3, 4, 5, 42, 44, 45, 46 and 47 on the Tax Map of the City of Yonkers, and now known as 66 Main Street (Block 501, Lot 1) to maintain a sidewalk encroachment, together with the Main Street Lofts Yonkers LLC, as contract vendee ("Contract Vendee") under that certain Urban Renewal Land Disposition Agreement dated as of July 27, 2005, as amended, consisting of retaining walls, landscaping, street furniture, signs, and fences and other similar improvements upon the City rights-of-way located in Main Street and Hawthorne Avenue in accordance with and as shown on a survey approved by the City Engineer and the Director of Housing and Buildings (the "Sidewalk Encroachment").

Section 2. Waiver of certain sidewalk requirements set forth in the Modified Urban Renewal Plan for N.D.P. Areas No. 1 and No. 2 (the "Urban Renewal Plan") are hereby waived based upon recommendations made by the City of Yonkers Planning Board, as set forth in its resolution adopted on December 12, 2007, wherein the previously approved site plan for the project being constructed at 66 Main Street was amended to provide for the Sidewalk Encroachment, subject to several conditions including, but not limited to, City Council approval and waiver of certain sidewalk limitations set forth in the Urban Renewal Plan and obtaining consents and approvals from the City Engineer and the City Traffic Engineer.

Section 3. This permission is granted subject to the consents and approvals from the City Engineer and the City Traffic Engineer and the following terms and conditions, to wit:

- a) That the entire cost and expense of obtaining and thereafter repairing, maintaining and replacing the improvements in the Sidewalk Encroachment shall be paid by the Contract Vendee, their successors and/or assigns, without expense to or contribution by the CDA or the City of Yonkers;
- b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the Contract Vendee in the Sidewalk Encroachment shall be deemed a waiver, or in any way, affect the right of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval of the Sidewalk Encroachment had not been given by the City of Yonkers. That the granting of this permission shall in no way or release CDA, the Contract Vendee or any assigns from the payment of any assessment hereafter imposed;
- c) That the Contract Vendee, or their successors, assigns, and agents, shall secure all necessary permits and consents and shall obtain and maintain a property damage and public liability insurance policy naming the City and CDA as additional insureds, or as additional named insureds in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this Special Ordinance;
- d) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the CDA, whenever it may be deemed such revocation is necessary. Upon revocation or termination of this permission, the CDA, the Contract Vendee, their successors or assigns shall immediately remove any improvements placed within the Sidewalk Encroachment and restore the City's right-of-way in such condition as may approved by the City Engineer and the Director of Housing and Buildings, at the express direction of the City of Yonkers, and at the Contract Vendee's cost and expense;
- e) That the Contract Vendee, their successors or assigns shall hold harmless and indemnify the City of Yonkers and the CDA, and their officers, employees and agents against all claims, actions, suits, judgments, etc. including all costs related to the defense thereof;
- f) That this ordinance shall take effect immediately.





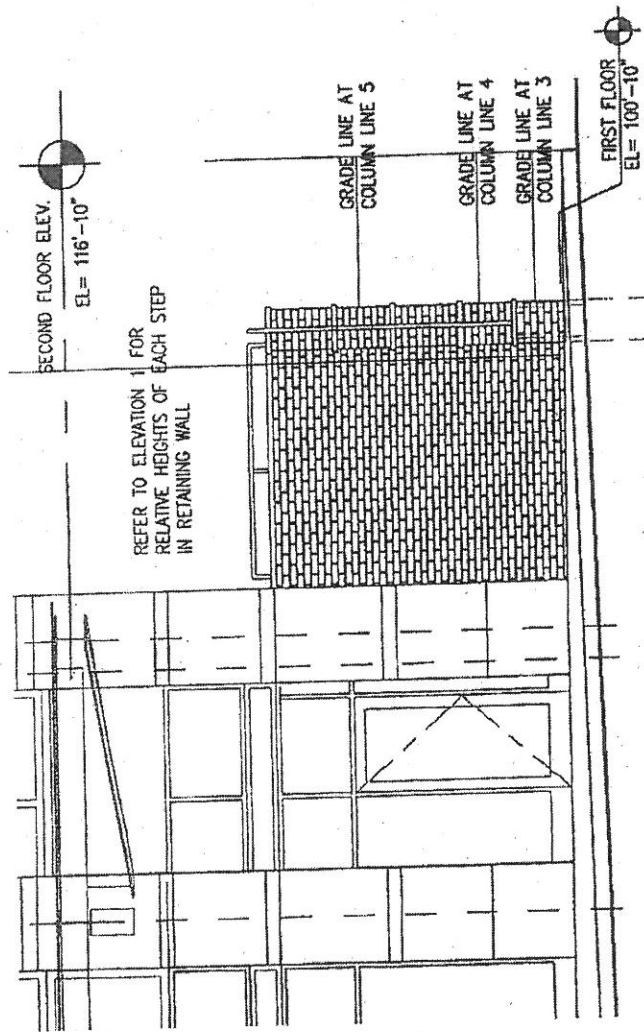
REVISIONS TO STOREFRONT WILL REQUIRE COORDINATION WITH FINAL DESIGN OF WALL AND AREAWAY

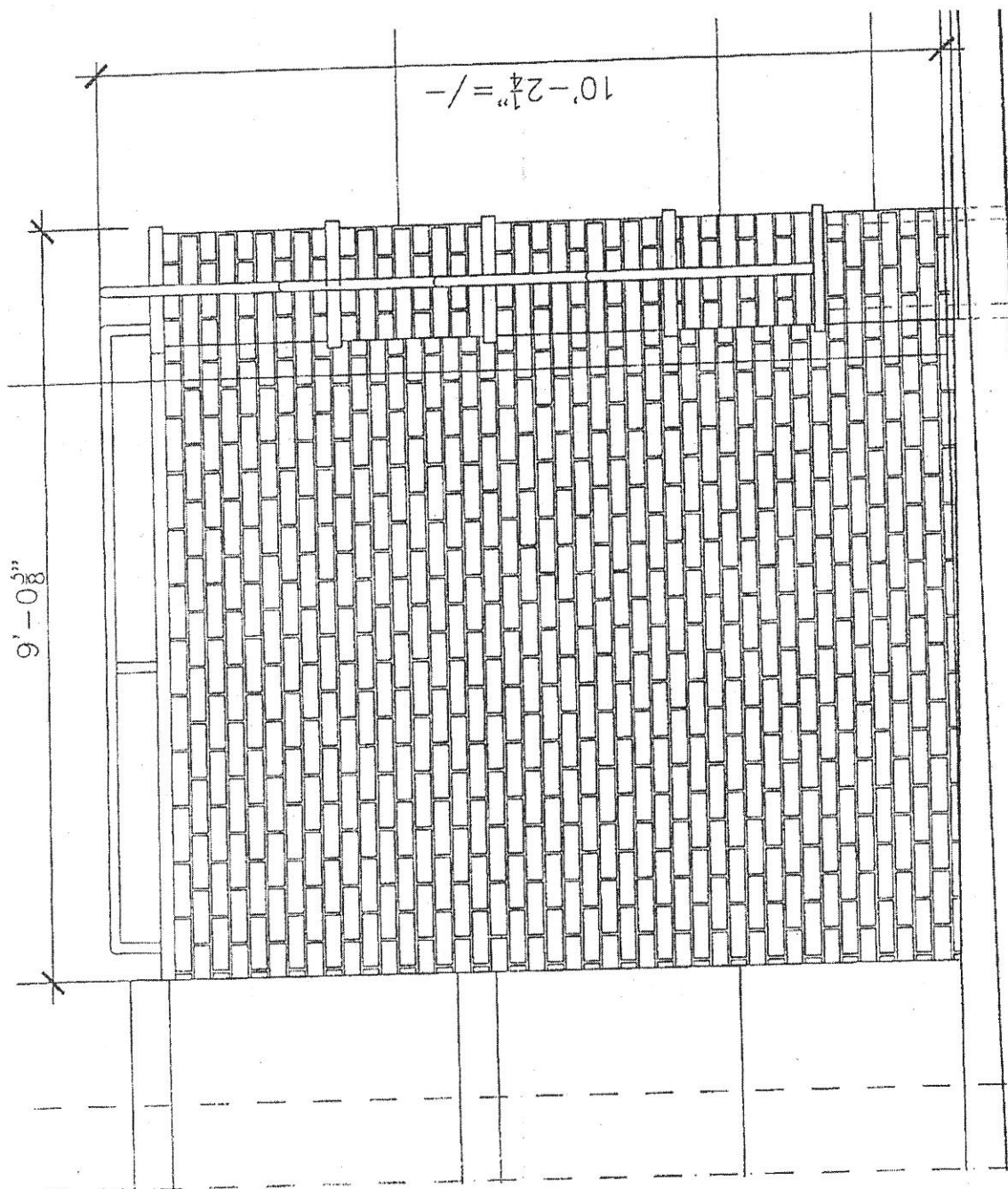
1 FIRST FLOOR PLAN-PARTIAL SCALE: 3/32"=1'-0" A101

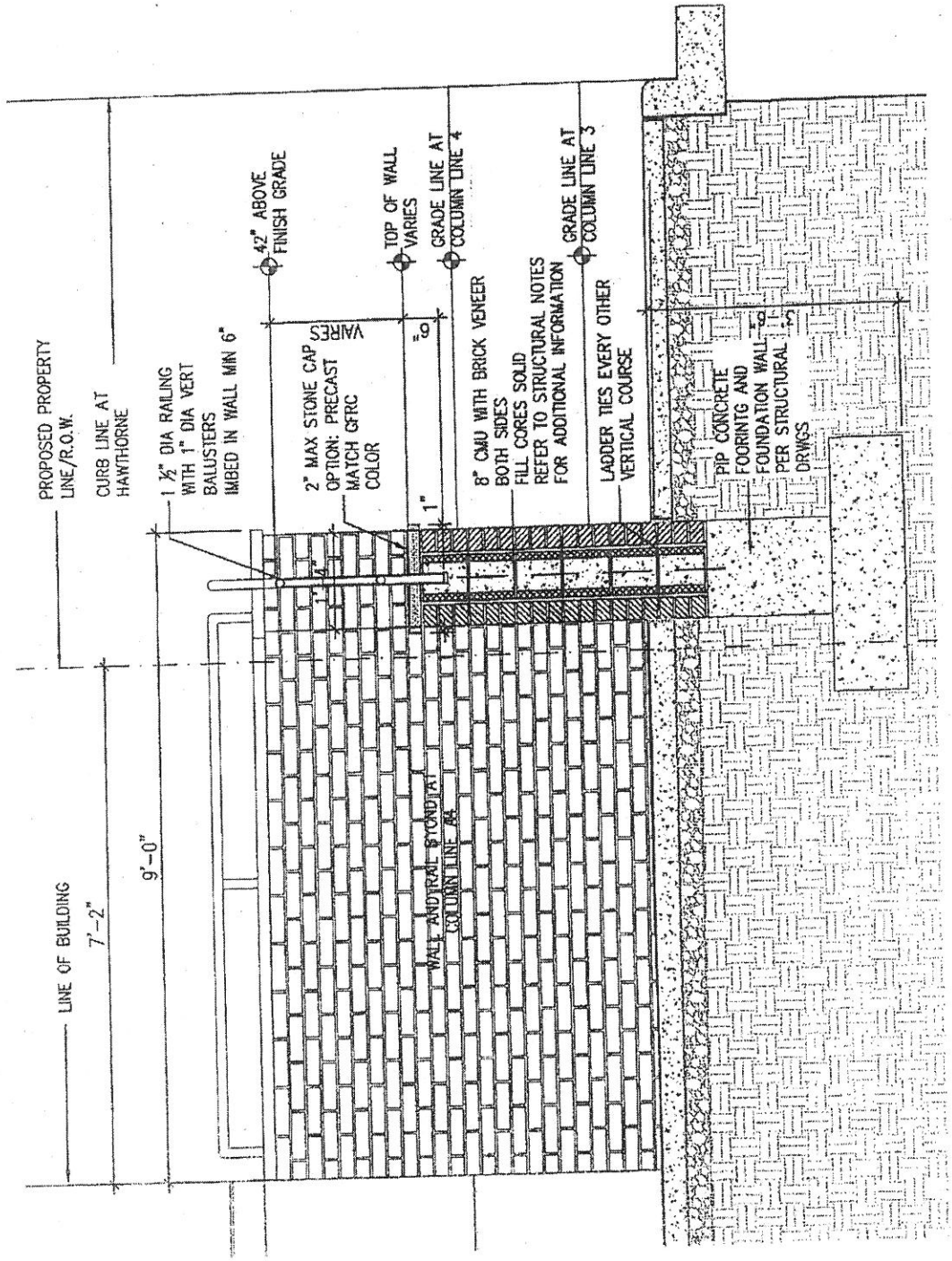
PERKINS
EASTMAN

Project: Yonkers Main Street Lofts
Drawing Title: Brick Veneered Retaining Wall- Plan
Date: 082807

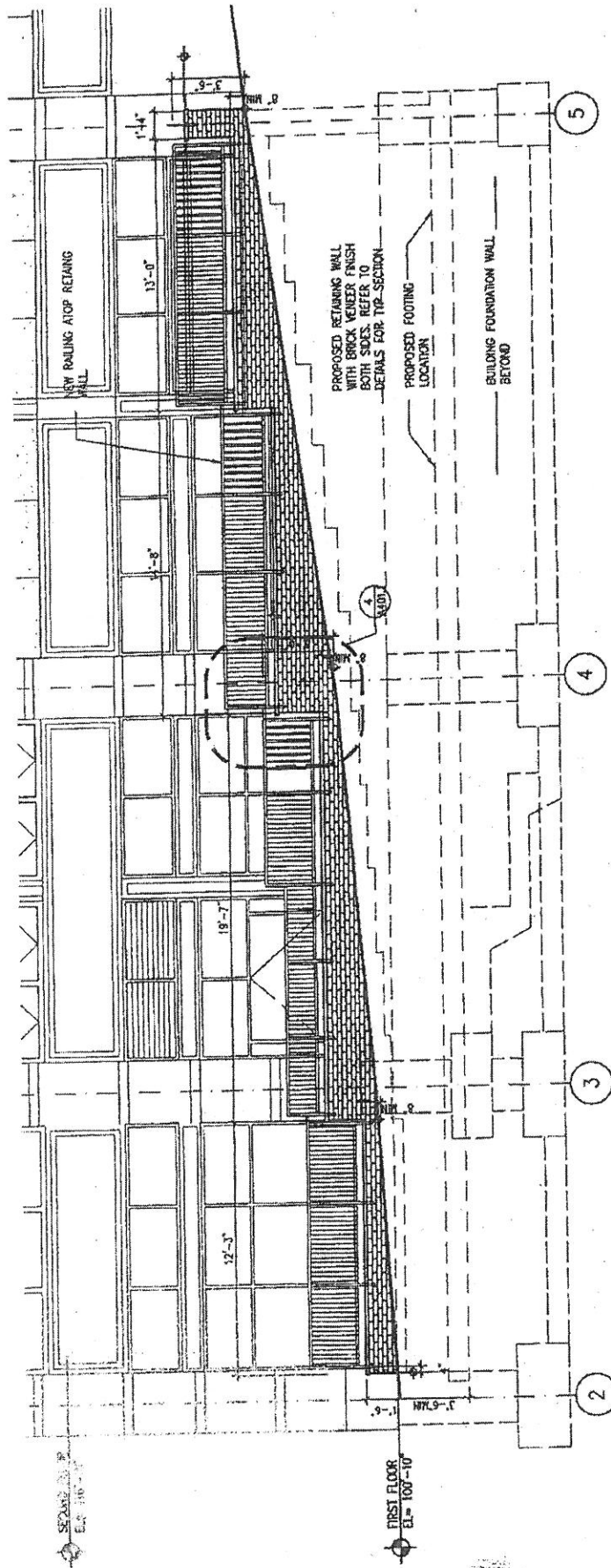
Project No.: 205
Drawing No.: SK-1
Scale: AS NOTED

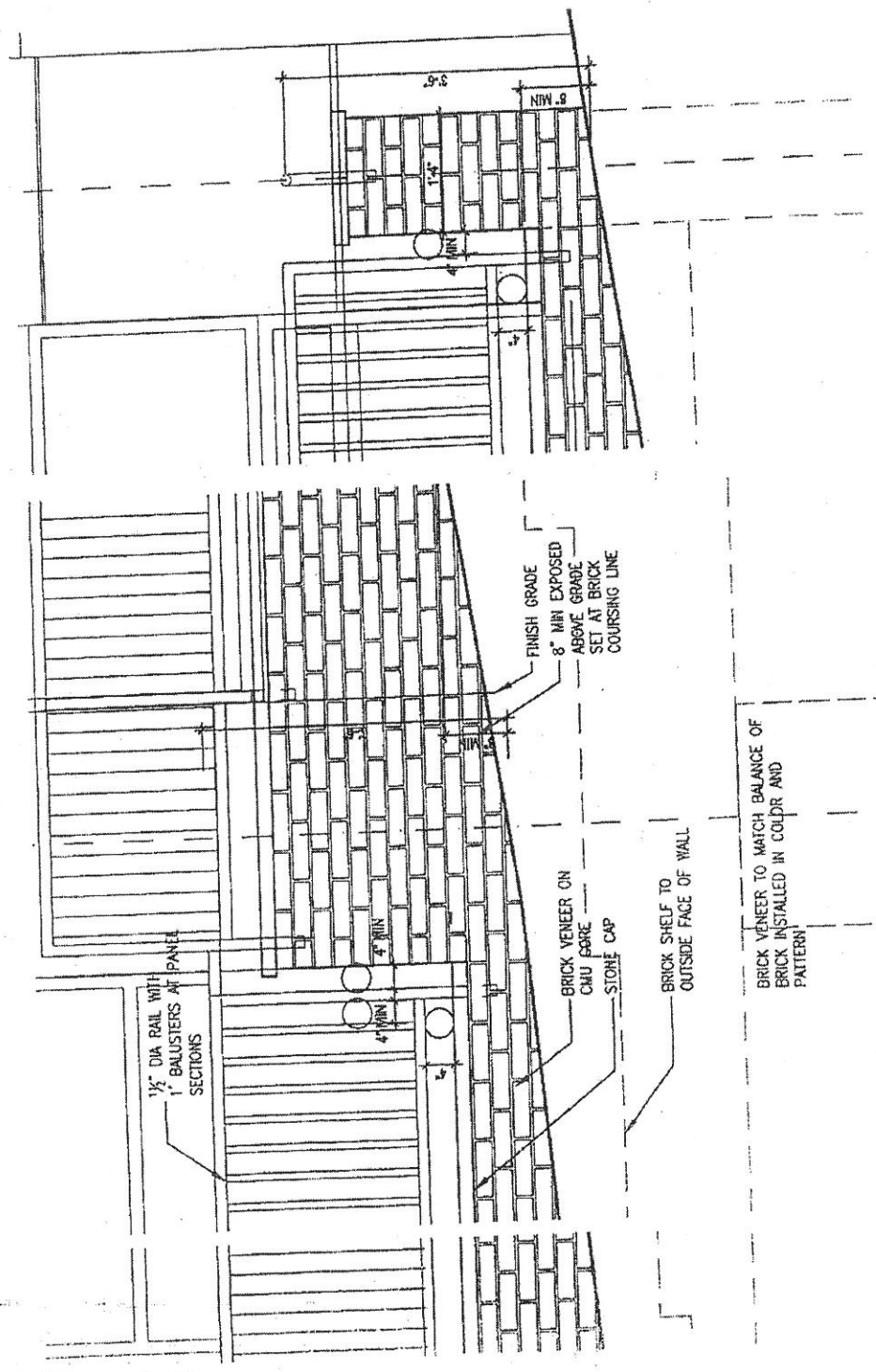






PROVIDE NOTES TO PROJECTS 1001-1002 YONKERS MAIN ST LOT 1001-1002 YONKERS







LINK

LAND SURVEYORS

21 Clark Place Suite 1B
Mahopac, N.Y. 10541
(845) 628-5857 phone
(845) 621-0013 fax

SUGGESTED LEGAL DESCRIPTION

TERRACE AND WALL EASEMENT (Main Street Parcel)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATED AND LYING AND BEING IN THE CITY OF YONKERS, COUNTY OF WESTCHESTER, AND STATE OF NEW YORK. BEING AN EASEMENT FOR NEW WALLS AND TERRACE ON THE SOUTHERLY SIDE OF MAIN STREET EAST OF HAWTHORNE AVENUE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY SIDE OF MAIN STREET DISTANT 143.10 FEET EASTERLY AS MEASURED ALONG THE SOUTHERLY SIDE OF MAIN STREET FROM THE CORNER BY THE INTERSECTION OF THE EASTERLY SIDE OF HAWTHORNE AVENUE WITH THE SOUTHERLY SIDE OF MAIN STREET.

THENCE FROM SAID POINT OF BEGINNING IN A NORTHERLY DIRECTION INTO THE BED OF MAIN STREET AND ALONG A LINE FORMING AN ANGEL ON ITS EASTERLY SIDE OF 85°52'40" WITH THE SOUTHERLY SIDE OF MAIN STREET, A DISTANCE OF 6.00 FEET;

THENCE RUNNING IN A EASTERLY DIRECTION AND PARALLEL WITH MAIN STREET ALONG A LINE FORMING A INTERIOR ANGEL OF 94°07'20" WITH THE LAST DESCRIBED COURSE A COURSE 62.60';

THENCE RUNNING IN A SOUTHERLY DIRECTION ALONG A LINE FORMING AN INTERIOR ANGEL OF 85°52'40" WITH THE LAST DESCRIBED COURSE TO THE SOUTHERLY SIDE OF MAIN STREET A DISTANCE OF 6.00 FEET TO THE SOUTH SIDE OF MAIN STREET

THENCE RUNNING ALONG THE SOUTHERLY SIDE OF MAIN STREET, IN A WESTERLY DIRECTION 62.60 FEET ALONG A LINE FORMING AN INTERIOR ANGEL OF 94°07'20" WITH THE LAST DESCRIBED COURSE TO THE POINT AND PLACE OF BEGINNING.